

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HUSSEIN S. HUSSEIN,
Plaintiffs,
v.
ADEL ERSEK; et al.,
Defendants.

3:07-cv-0056-LRH-VPC

ORDER

Before the court is plaintiff Hussein S. Hussein's ("Hussein") objection to the magistrate judge's December 2, 2009 order staying briefing on his motion to disqualify defense counsel (Doc. #143¹). Doc. #148. Defendants filed a response (Doc. #157) to which Hussein replied (Doc. #171).

Local Rule IB 3-1 authorizes a district judge to reconsider any pretrial matter referred to a magistrate judge pursuant to LR IB 1-3 where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

Here, Hussein objects to the magistrate's order (Doc. #143) staying briefing on his motion to disqualify defense counsel (Doc. #137). Hussein argues that prior to the magistrate's order, he filed a motion to recuse the magistrate which divested the magistrate of authority to enter such an

¹ Refers to the court's docket entry number.

1 order.

2 The court finds that the magistrate's order was neither clearly erroneous nor contrary to law.
3 While briefing was underway on Hussein's motion to disqualify defense counsel, he filed a motion
4 to recuse the magistrate judge who would be hearing his motion (Doc. #139). The magistrate stayed
5 briefing on Hussein's pending motion to disqualify until after the motion to recuse was addressed
6 by the court. This order was not in error. Accordingly, the court shall affirm the magistrate's order.

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8 IT IS THEREFORE ORDERED that plaintiff's objection to the magistrate judge's order
9 (Doc. #148) is DENIED.

10 IT IS FURTHER ORDERED that the magistrate judge's order staying plaintiff's motion to
11 disqualify defense counsel (Doc. #143) is AFFIRMED.

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13 IT IS SO ORDERED.

14 DATED this 7th day of April, 2010.



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17 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE